

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA

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UNITED STATES OF AMERICA, Plaintiff,	Case Number <u>CR-05-70848</u> HRL
$^{\text{v}}$	ORDER OF DETENTION PENDING TRIAL
Defendant.	
In accordance with the Ball Reform Act, 18 U.S.	.C. § 3142(f), a detention hearing was held on, 2004.
Free Propertied by His attitude of the	The United States was represented by
	The state of the s
PART I. PRESUMPTIONS APPLICABLE	·
// The defendant is charged with an offense dec	scribed in 18 U.S.C. § 3142(f)(1) and the defendant has been
rears nas e	elapsed since the date of conviction or the release of the person from
,	
This establishes a rebuttable presumption that no	condition or combination of conditions will reasonably assure the
y porson and the continuinty.	·
/ / There is probable cause based upon (the indic	ctment) (the facts found in Part IV below) to believe that the
A for which a maximum term of impris	sonment of 10 years or more is prescribed in 21 U.S.C. § 801 et
ocq., g but ct seq., or g but seq., OR	
B under 18 U.S.C. § 924(c): use of a fir	rearm during the commission of a felony.
rins establishes a redutable presumption that no c	condition or combination of conditions will
appearance of the defendant as required and the safety of the	he community.
No presumption applies.	
PART II. REBUTTAL OF PRESUMPTIONS, IF APPLICABLE	NOV 0 2 2005
/ / The defendant has not come forward with any	evidence to rebut the applicable presumption[s], and he therefore
	MODERAL OF A CONTRACTOR OF A C
/ / The defendant has come forward with evidenc	e to reput the applicable r 1
Thus, the burden of proof shifts back to the United	States.
PART III. PROOF (WHERE PRESUMPTIONS REBUTTED OR	INAPPLICABLE)
The United States has proved to a preponderan	ace of the evidence that no condition or combined in a
and a position of the desendant as re	equired_AND/OR
/ The United States has proved by clear and conv	vincing evidence that no condition or combination of and disc.
and the	3 community
PART IV. WRITTEN FINDINGS OF FACT AND STATEMENT OF	OF REASONS FOR DETENTION
/N The Court has taken into account the factors set	topt in 19 II C C c 21 (2) \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \
at hearing and finds as follows: The defendant is	Charled with Vanda Vina & 01160 & 12016 \(1)
(V) and (A) (LLC) conspening to concer	a harbos and sheld Unday a de 1
to commercial advantage in the	is lose probletution. He has on INS
hold lodged accurat him TNS	sured his bank recounts.
0	The same transfer of the same to the same
// Defendant, his attorney, and the AUSA have wai	ived written findings.
PART V. DIRECTIONS REGARDING DETENTION	
The defendant is committed to the custody of the Attorn	ney General or his designated representative for confinement in a
are extend practicable from person	of awaiting or serving contanges of being 1, 11:
Pour The detendant shall be alloided a reasonable opportunity	V for private consultation with defence account to
and officer of the following all altorney for the thores	rument the person in abarra of the same of
e defendant to the United States Marshal for the purpose of an	appearance in connection with a court proceeding
.	/ `
ated: 11/1/05	Satural Sumber le
USA <u>CATTY</u> <u>C</u> , PTS	PATRICIA V. TRUMBULL
·	

United States Magistrate Judge